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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,122	12/19/2000	Andrew Louis Wolf	L3472.00101	3141

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EXAMINER

RETTA, YEHDEGA

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/739,122

Applicant(s)

WOLF ET AL.

Examiner

Yehdega Retta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_


**DETAILED ACTION**  
***Response to Amendment***

This office action is responsive to communication filed September 24, 2003.


***Response to Arguments***

Applicant's arguments filed September 24, 2003 have been fully considered but they are not persuasive.

Regarding claim 1, Applicant argues that the prior art, Forward, does not teach storing in a database a first and second rebate coupons, input-output means that obtains one of the first coupons from a host system and an input-output means that presents to the host system a second rebate coupon using a first indication that is provided on the second rebate coupon. The invention as claims states a database storing first rebate coupons and second rebate coupons...input-output means for potential buyer to do one of; obtaining one of said first coupon from the host system ... or presenting to the host at least one second rebate coupon obtained form a communication medium other than said host using a first indication that is provided on said at least one second rebate coupon and receive from the host a second indication,...



Forward teaches obtaining a coupon from the host system, i.e., incentive execution, which is certificate, identification number, check, coupon or any other device that the buyer may use to execute the incentive indirectly with a third party or the host delivering the incentive directly (see col. 5 line 4 to col. 6 line 52). Forward also teaches potential buyer receiving a purchase certification (which comprises of a copy of contract, an identification number, a



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signature or any other method of certifying that the buyer and seller formed a contract for the purchase of an item at issue (first indication)) and transmitting the certification with an incentive execution request and the buyer being provided with incentive execution (second indication), which is comprised of an electronic certificate, identification number, check, coupon etc, that the buyer may use to execute the incentive (see col. 5 lines 60 to col. 6 line 52). Even though the prior art teaches both cited limitations, Examiner would like to point out that the claim recites an alternative limitation and only one of the cited limitation need to be addressed.

Regarding claim 17, Applicant argues that Forward does not teach (1) issuing real estate buyer coupons to potential buyers through communication network and (2) processing the rebate coupons by a host system for properties selected to tour. Forward teaches, as claimed, providing by the host the ability to select properties to tour ...and processing rebate coupons by the host for properties selected to tour (see col. 4 lines 33-59 and col. 5 line 20 to col. 6 line 52).

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-30 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Forward U.S. Patent No. 6,578,011.

1. Regarding claims 1, 6-8 and 29, Forward teaches a remote communications facility including input-output; a host system including a data storage means for maintaining databases containing a plurality of data records of different types and chronologies; computer processing for selecting data records and transmitting the selected data records to at least one remote

communication facility according to selected criteria provided by one of the remote communications facility; wherein the computer processing means registers and stores first and second rebate coupons and information related to real estate properties; communication network to exchange data between the host and remote communications facility; wherein a potential buyer without the aid of a field agent uses at least one input-output means to do one of specify said selection criteria for the data records, obtain display of selected data records meeting the selection criteria and obtain one of said a rebate coupon said host system...; present to the host at least one rebate coupon... wherein the rebate coupons are defined such that a seller has already agreed to or a seller is to subsequently agree to perform an acceptance of the rebate coupons...; and an input-output means at the remote communication facility to enable for seller to sign up properties for inclusion as listing inventory data records in a database; exchanging listing of inventory data record between a host and a third-party listing database. (see fig. 1-4 and col. 3 line 52 to col. 81line 33).

2. Regarding claims 2, 3 and 10, Forward teaches remote communications facility provides means for the buyer to indicate properties visited accepted, specify and capture (see col. 5 line 51 to col. 6 line 52).

3. Regarding claim 4, Forward teaches provides means for seller to specify selection criteria for the data record and to display selected data records meeting the selection criteria (see col. 4 line 14 to col. 5 line 19).

4. Regarding claim 5, Forward teaches data exchange through the Internet and a web browser (see col. 3 line 52 to col. 41line 23).

5. Regarding claim 9, Forward teaches receiving and storing data relating to buyers, to form a buyer profile (see col. 7 lines 4-26).
6. Regarding claim 11, Forward teaches ranking the data using pricing and demographic data prior to transmitting the data to the remote communication facilities (see col. 5 lines 4-19).
7. Regarding claim 12, Forward does not explicitly show the aggregation of selected records into a group for further processing actions (see col. 4 line 13 to col. 5 line 19).
8. Regarding claims 13-16, Forward teaches performing real estate transaction and automatically determining commission to be paid to company and dollars to be paid to sales agents and other agencies and accounting facilitated by the system; payment by the host of a rebate to the buyer (see col. 2 line 27 to col. 3 line 35 and col. 5 line 60 to col. 7 line 3).
9. Regarding claims 17-25 and 27, Forward teaches a host system for signing up seller to pay commission to the host; obtaining a listing of inventory of property to be sold; maintaining database at the host which contain data records of different types and chronologies; users remotely accessing via a communication network, Internet, to specify selection criteria to search the database... processing rebate coupon by the host payment by the host of a rebate to the buyer; generating a rebate coupon and delivering the coupon to the remotely accessing user; accepting the rebate coupon by seller; designating the host system as cooperating broker;... registering by a remotely accessing user of at least one pre-printed rebate coupon; receiving of approved code from the host; printing the received approval code on each coupon registered exchanging listing of inventory data record between a host and a third-party listing database (see Fig. 1-4 and col. 3 line 52 to col. 8 line 33).

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10. Claim 26 is rejected as stated above in claim 12.
11. Claim 28 is rejected as stated above in claim 9.
12. Regarding claim 30, Forward teaches seller agree to list properties ... (see col. 2 lines 42-64 and col. 4 line 33 to col. 5 line 3).

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (703) 305-0436. The examiner can normally be reached on 8-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703) 305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Yehdega Retta  
Examiner  
Art Unit 3622

YR